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**NOTE**

From:	Presidency
To:	Delegations
No. prev. doc.:	10740/23
Subject:	48th and 49th session of the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC), Geneva, 29 November 2024 and 2 - 6 December 2024 - Draft EU/Member States statements

**DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC (16.12.2024)**

In view of the above-mentioned WIPO meetings, delegations will find attached a context note and a draft EU/Member States opening statement for the IGC 49<sup>th</sup> session.

The suggested line to take and the draft statement will be discussed at the meeting of the Intellectual Property Working Party on 4 November 2024.

Pursuant to that meeting, delegations will have the opportunity to submit written comments to [intellectualproperty@consilium.europa.eu](mailto:intellectualproperty@consilium.europa.eu) by 25 November 2024.

**48<sup>th</sup> and 49<sup>th</sup> sessions of WIPO's Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC)**

**(29 November, and 2 - 6 December 2024)**

**Context:**

The current mandate for the IGC, adopted in July 2023 by the WIPO General Assembly, provides that IGC 48 and 49 will be held back-to-back. IGC 48, lasting for one day, will take stock of the progress made on Genetic Resources (GRs) and Traditional Knowledge associated with Genetic Resources (ATK) and discuss any issues arising as a follow-up to the Diplomatic Conference held in May 2024. IGC 49 will last five days and will embark on discussions relating to Traditional Knowledge (TK) and/or Traditional Cultural Expressions (TCEs), with a focus on addressing unresolved and cross-cutting issues and considering options for (a) draft legal instrument(s).

It is expected that IGC 48 will be a short session where the Secretariat will present the state of play of the Treaty on Intellectual Property, Genetic Resources and Associated Traditional Knowledge, adopted in the May 2024 Diplomatic Conference. Statements are not expected for this session.

As regards IGC 49, the work on TK/TCE will continue. The latest session dealing with this work strand (IGC 47) took place in June 2023. In that session, delegations shared their views on the Facilitators' revised texts (REVs) from the previous IGC session, and facilitators continued to draft new versions of those texts. At IGC 47, delegations had no opportunity to make substantive comments on the newly prepared REVs, as it was foreseen that discussions on them would continue at IGC 49. Accordingly, for IGC 49, WIPO has published those texts in two documents:

- The Protection of Traditional Knowledge: Draft Articles ([WIPO/GRTKF/IC/49/4](#))
- The Protection of Traditional Cultural Expressions: Draft Articles ([WIPO/GRTKF/IC/49/5](#)).

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**Proposed EU line to take:**

- No statement is proposed for the IGC 48<sup>th</sup> session, seeing that it will be a short session (as an exception to the longer character of IGC sessions), and given the Secretariat's proposal to spend the afternoon session on discussing the methodology to be followed by IGC 49.
- For the IGC 49<sup>th</sup> session, the proposed line to take is as follows:
  - o Opening statement congratulating the officers for their (re-)election and stating the willingness to constructively participate in the discussions. **DELETED**
  - o Highlighting the fact that discussions should continue as the topics are not mature enough and showing good will in continuing the discussions, while underlining the historic EU line on any international instrument on traditional knowledge or traditional cultural expressions.
  - o Engaging in the discussions over the texts published by WIPO for this session.

## Opening Statement for the IGC 49<sup>th</sup> session

[Madam Chair],

1. On behalf of the European Union and its Member States, let me first [congratulate you] and your Vice Chairs on your [(re-)]election. We would also like to thank the Secretariat for preparing this session, including for the update of the technical review of key intellectual property-related issues of the WIPO draft instruments on genetic resources, traditional knowledge and traditional cultural expressions within the framework of indigenous human rights (document WIPO/GRTKF/IC/49/INF/8).
2. As regards any international instrument on traditional knowledge or traditional cultural expressions, we consider that the topic would require further discussions, as many points appear not sufficiently mature. We remain, of course, ready to engage in these discussions and to share our views on the preferred wording as regards the articles. In any instance, we would like to reiterate our view that any international instrument on traditional knowledge or traditional cultural expressions should be non-binding and support a balanced, flexible and measures-based approach.
3. Madam Chair, you can count on the EU and its Member States to stay committed to engaging constructively in further work on traditional knowledge or traditional cultural expressions.

Thank you.

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